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BNSF



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VIA UPS OVERNIGHT MAIL

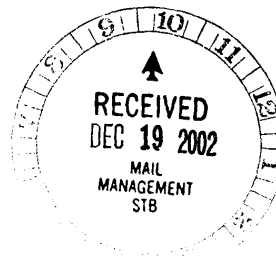
December 18, 2002

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings

DEC 20 2002

Part of
Public Record



Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 395X); The Burlington Northern and Santa Fe Railway Company ("BNSF") Abandonment between Columbus, Kansas and Carthage, Missouri

Dear Secretary Williams:

This responds to a letter of December 6, 2002 from representatives of the Cherokee County Landowners Association to the Director of the Office of Proceedings concerning the requested issuance of a Notice of Interim Trail Use in the referenced docket.

BNSF and the Joplin Trails Coalition are still in the process of negotiating for the possible transfer of right-of-way for a trail pursuant to the National Trails Systems Act. Accordingly, on November 21, 2002, BNSF requested an extension of the NITU period to complete discussions with the trails interest.

We submit that a NITU is appropriately entered in this matter pursuant to 16 U.S.C. Section 1247(d) and the Board's implementing regulations, and the requested relief should be denied so that the voluntary processes afforded by applicable law may proceed. That said, expressions of concern from the community on the Kansas portion of the line will be given serious consideration by BNSF as discussions continue. We believe a trail may still be accommodated while taking into account the concerns of the Cherokee County Landowners Association. For example, as the landowners' association acknowledged in its December 6, 2002, letter, BNSF and the trails interest may entertain limited railbanking on the Missouri portion of the line. We encourage the Landowners Association to appoint a single representative to contact us so that we may provide status updates and receive input from that community as the trail negotiations continue with the Joplin Trails Coalition.

It is our hope to reach a solution that addresses the concerns of as many interests as possible. Meanwhile, the rights of the Joplin Trails Coalition to negotiate with BNSF should not be prematurely terminated.

Sincerely,

Sarah Whitley Bailiff

cc: Ms. Nancy Evans (Cherokee Co. Landowners Assoc.)
Mr. John Gaither (Cherokee Co. Landowners Assoc.)
Mr. Charles Montange (Joplin Trail Coalition)
Mr. Richard A. Batie
Mr. David Schneider
Mr. David Detjen